144

AFD 221 DST 58

CLASS B

App. F. ... 195 File No. AFD 221 DST 58

( )

Previous References. Serial Nos.

AFF. Dept.

Later References. Forest Br

MYSORE GOVERNMENT SECRETARIAT

Forest

Serial Nos. 31/8/58

14/9/59

Part B for

SUBJECT

Unauthorised cultivation of land in Yelavadhalli of Chamarajanagar Tal.

WD 04708—GPB—1,00,000—18-12-58.

A 1/11/04

ಎಸ್. ನಾರಾಯಣಸ್ವಾಮಿ
ಸರ್ಕಾರದ ಅಧೀನ ಕಾರ್ಯದರ್ಶಿ
ಅರಣ್ಯ, ಪರಿಸರ ಮತ್ತು ಜೀವಿಶಾಸ್ತ್ರ ಇಲಾಖೆ

Sub:- Grant of lands in
Yelavadahalli State Forest
of Channagiri Range
to Shri Laelya Naik and
Smt. Jumbi bai w/o Hanabya Naik

1) Petitions dated 22-1-58 ~~and~~ Rnd for perusal.

Minutes of the Minister (Agr)

W.D. 221 DST 58

The C.C. Shimoga Circle. Since the lands are already granted by the RD and the petitioners have cultivated the lands, the lands may be released to the extent of the grants. The cases may be withdrawn since the parties are not responsible for the grant. Suitable action may be taken in this connection.

2) DN. 2635/2735 pnd for perusal, The C.C. is not in favour of release of land for cultivation

3) The petitioners encroached the forest land by cultivating the lands unauthorisedly. This offence was booked in the ~~Court of~~ the Cl Magte Court Shimoga. and afterwards the case was compounded. on condition that the petitioners should pay fine and surrender the encroached area to the Forest Deptt. The petitioners even now have not surrendered the lands. In view of the directions given to the Forest Deptt by Govt under their letter No. ARD 44 DFT 57 by ~~them~~ the steps to be taken for removal of encroachments, the question of eviction of these petitioners (who are encroachers) ~~on~~ from the forest lands, ~~it~~ may be deferred till the finalisation of ~~tenders of this~~ rules in this connection. The petitioners may be allowed to cultivate the encroached lands and proper rent may be recovered from them until further orders. If approved C.C.F will be informed accordingly.

2) Two points are not clear. 1) The encroachment is in Forest area, but Sri Amirdar wrote Sagunee Chit & in respect of Chit land & wrote Sagunee Chit. Is Amirdar

Dec 3/8/58

S.O. 11-8-58

has committed a mistake, petitioners have a good case. In view that the action was covered by Supreme Chief.

We may write to D.C. Shimoga to verify whether Chief is to act for Chief Amildar and Supreme Chief whether it is in respect of forest land. If so, petitioners have no case & they have to be evicted. Urgent

21/8

3) A draft letter to the D.C. is put up for approval.

Ag 13/8/58

4) [illegible]

S.C. Pathi 14.8.58

5) The report is still awaited from the Div Comm. A reminder is put up for approval.

Ag 24/12/58

6) Issue C.O. Pathi 29.12.58

Issued 30/12/58

Diary No. 731.

7) P.U.D. is for kind perusal.

With reference to G.L. No. 01/10-9-58 even. The D.C. Shimoga informs that he has forwarded a detailed report to the Divisional Com. Mysore for transmission to Govt.

P.15/C.

Divisional Com's. reply is still awaited. P.U.D. may be filed for the present. The Div Com may be reminded this on 8.2.59

Ans-1169 8-2-59

Pathi 27.1.59

Pathi 23.1.59

(8) No 3261 DC

C.O. Pathi 25.1.59

9) The Div. Commr was reminded on 6/2/59 to expedite his report on the question. He has now sent his report to Govt till now. He may be reminded for the second time to send his report immediately.

(10) If approved, the draft, put up at p. 26/cr, as the fair letter, ~~may~~ will be issued to him.

Noted
14/3.
S.C. Pant
20.3.59.

Sd
20/3

Issued
Sd
26/3

(11) We have on record the letter referred to above ~~as the~~ from the D.C. direct for which a reminder was issued to the Div. Commr. We may hence take action on the basis of this letter in as much as R.D ~~on their file~~ do. RD 202 L MD 59 have requested to release the lands in the favour of the applicants.

12) It is reported by the D.C. Shimoga (vide para marked 'A', page 20/cr) that the error is mainly due to the mistake in the forest records which misguided the Rev. authorities leading to the grant of lands to the applicants.

13) In view of the fact that (1) the applicants belong to Deg. classes (2) lands were granted by the Rev. Dept. along back under "gross more food" scheme, (3) they are in possession of the lands for the past 6 years and (4) finally the area does not contain valuable timber, we may take a lenient

AFD 221 DST 58 G/

& sympathetic view as recommended by the D.C. in his letter (vide para marked 'B' p. 20/c) and we may regularise and grant the land only to the extent the R.D have granted to the applicants i.e., 5 acres each. This will be in consonance with the minutes of the R(Ors) on the petition. 14/cf.

14) For orders whether the draft G.O. put up at page 27/cf be issued.

Noted. 18/4/59.

15) Yes 24/4

Yes 25/5.

16 Diary no 5020 (letter no AG.P.R.70.C.3362/58-59 dated 20.5.59 of the Divisional Commissioner, Mysore Div).

17 P.U.D. The Divisional Commissioner, Mysore has addressed his letter dated 23/25.2.59 to the RD with which he has sent the connected records. RD may be requested to return the records received from the Div. Comr. Mysore to him direct.

24/8/59 S.O.P.M. 25/8

DS

18 25/8

R.D)

MS 26/8/59

19 The connected records have been returned to the Divisional Comr. Mysore vide his office letter No. R.D. 202 LM 59 Dated 28-5-1959 with this information this file may be returned to A & F. Dept.

28/8 28/8/59

A & F D) 29/8

26/8/59 28/8

13025
28 AUG 1959

Serial No.

20 Paras 17 + 19 ~~NF~~ for perusal. Since RD have already returned the records to DC no action is necessary. We may however, await the draft notification called for from the CEF.

Raj 7/9/59.

21 In such cases where orders for disfranchisement have been issued it seems better to close the file lest our 'Sui' may swell. Notification when received will obviously go into New file No. If this view is accepted a proposal to close files can be placed from Sui. This file may be closed if approved.

Co Pill 10.9.59

Yes. SRK 11/9

Pls speak. 11.9

Dear Co Pill 11.9.59

'B' Raj 14/9/59.

Note.—Contn. Sheet

COURT FEE INDIA 3Rs THREE RUPEES

To

The Hon'ble Minister
For Forests, Govt. of Mysore
Bangalore.

P. 167-168
25 JAN 19
BANGALORE

OFFICE OF THE CONSERVATOR OF FORESTS
12884
25

Petitioner:- Lacha Naika son of Lokyanaika
35 years, Banajar, Resident of
Daginakatte, Basavapatna Hobli
Chennagiri Taluk, Shimoga District

C.F.
Shimoga Circle
Since the lands are already granted by the R. Department and the petitioners have cultivated the lands, the lands may be released to the extent of the grants. The cases may be withdrawn since the parties are not responsible for the grant. Suitable action may be taken on this connection.
22/5/59

Petitioner above-named most humbly and respectfully beg to submit as follows:-

1. Petitioner is a poor Banajar village boor. He has two daughters and a son who are still children and he has to maintain them and his wife. As he is suffering undue hardship and misery he submitted on 5-6-57 a petition narrating his grievances.

2. Petitioner is illiterate person. On his request - he was granted 5 acres of land in S.No. 110/1 of Daginakatte village, Chennagiri Taluk as per Saguvali Chit (S.C. 130/51-52) granted by the Amildar Chennagiri Taluk in pursuance to the order of the Deputy Commissioner (N.Dis.4 S.D. 73/) Shimoga.

3. The petitioner has since then improved the land by manual labour and money to the best of his ability and has cultivated that land. Petitioner has paid land revenue as under:-

on 26-3-55 Rs. 1-4-0
on 24-4-56 Rs. 3-12-0
on 14-6-57 Rs. 5-0- 0

But for the unexpected obstacle raised by the local authorities of Forest Department - to finalise the grant the Revenue department would have collected upset price and confirmed the grant.

4. The Forest Department i.e. the Range Forest officer, Chennagiri for the first time in 1957 during sowing season threatened the petitioner that the land belongs to forest department and that petitioner should not sow or cultivate the land.

5. Then the petitioner approached your Honour and the Deputy Commissioner, Shimoga through petitions . Your Honour assured at the time that the petition of the petitioner would be sent to Conservator of Forests for needful and orally expressed that petitioner may continue cultivation on the basis of the Saguvali Chit granted by Revenue Department. (AFD 379 DJT 57 d 28/31-10-57).

6. Subsequently taking advantage of the illiteracy of the petitioner, a Forest guard at Daginakatte (whose name is not known, he is muslim by caste) launched a false case in the Court of the IInd Magistrate Shimoga that the petitioner assaulted him. The petitioner has been defending herself in Court and petitioner has been attending the court since number of hearings but that Forest Guard has been absenting with lame excuses.

5. In the meanwhile that Forest Guard of Daginakatte, The Range Forest officer, Chennagiri and the Ex. V.P. Chairman Hanumanthappa of Daginakatte have conspired to ruin the petitioner - and about a month back approached the petitioner an illiterate Banjan ryot and promissed that they would get the case against her in court withdrawn and mis-represented that for that purpose petitioner

continued

should sign papers and took his left thumb impressions to several papers. Petitioner finds later that no withdrawal of the case was effected but those three persons have defrauded the petitioner and have taken his L.T.M. to papers to create false evidence that he has given up the said land etc. If this is true he will be ruined. He has no other land. If he is evicted from land, he and his family members will have to end their lives.

6. Petitioner has no other land and he has no other means. On 24-12-57 he submitted a petition to the Deputy Commissioner Shimoga. As the matter mostly concerns the Forest department, nothing is done and to save the petitioner, lies in your Honour's gracious hands.

7. For the wrong done by the said Range forest officer, Forest guard and Ex.V.P.Chairman Hanumanthappa your Honour may kindly taken action.

8. Petitioner respectfully prays that your Honour may be graciously pleased to call for the records and to grant of the said land under cultivation of the petitioner be confirmed and petitioner protected. In the meanwhile as an ad-interim measure petitioner prays your Honour to be graciously pleased to grant a stay order directing the local Forest authorities not to interfere with the possession of the said land of the petitioner.

Petr. 22-1-58

COURT FEE INDIA 3Rs THREE RUPEES

MINISTER FOR AGRICULTURE BANGALORE JAN 19

P 167-168

5/c 10/

To

The Hon'ble Minister
For Forests, Govt. of Mysore
Bangalore

C.F. Shimoga
Circles
AHD 22/1/88

Petitioner:- Jumali Bai Kom Hankyanaika
resident of Daginakatte village
Basavapatna Hobli, Channagiri Taluk
Shimoga District.

Petitioner above-named most humbly and respectfully begs to submit as follows:-

1. Petitioner is a poor 'Banajar woman' and a widow with 5 children and she is sufferring undue hardship and misery and she had submitted a petition to your Honour on 5-6-1957 during your Honour's visit to Chennagiri Taluk.

2. She is illiterate village agricultural boor. On her request, she was granted 5 acres of land in S.No.110/2 of Daginakatte village, Chennagiri Taluk as per Saguvali chit granted by the Amildar - Chennagiri Taluk in pursuance to the order of the Deputy Commissioner, Shimoga.

3. The petitioner has since then improved the land by manual labour and money to the best of her ability and has cultivated that land. Since 3 years even land revenue has been collected by the local revenue authorities. But for the unexpectable obstacle raised by the local authorities of the forest department, to finalise the grant the revenue department would have collected upset price and confirmed the grant.

4. The Forest Department i.e the Range Forest officer, Chennagiri for the first time in 1957 during sowing season threatned the petitioner that the land belongs to forest department and that petitioner should not sow or cultivate the land.

5. Then the petitioner approached your Honour and the Deputy Commissioner Shimoga through petitions. Your Honour assured at the time that the petition of the petitioner would be sent to Conservator of Forests for needful and orally expressed that petitioner may continue cultivation on the basis of the Saguvali chit granted by Revenue Department. (AFD 379 DST 57 d 28/31-10-57.

6. Subsequently taking advantage of the innocence of the petitioner, a Forest Guard at Daginakatte (whose name is not known, he is a muslim by caste) launched a false case in the Court of the IInd magistrate Shimoga that the petitioner assaulted him. The petitioner has been defending herself in court and petitioner has been attending the court since number of hearing but that Forest guard has been absenting on lame excuses.

5. In the meanwhile that forest guard - Daginakatte, The Range Forest officer, Chennagiri and the Ex V.P.Chairman, Hanumanthappa of Daginakatte have conspired to ruin the petitioner, and about a month back approached the petitioner an illiterate Banajar lady and promissed that they would get the case against her in court withdrawn and mis-represented that for that purpose petitioner should sign papers and took her left thumb impressions to several papers.

(Contd.)

2/c 12

But to the surprise of the petitioner, petitioner finds later that no widrawal of the case was effected but those three persons have defrauded the petitioner and have taken her left thumb impressions to papers to create false evidence that she has given up the said land etc. If this is true she will be ruined. She has no other land. If she is evicted from the land, she and her 5 children will have to drown themselves in a well to end their lives.

6. Petitioner has no other land and she has no other means. On 24-12-57 petitioner submitted a petition to the Deputy Commissioner Shimoga. As the matter mostly concerns the Forest Department, nothing is done and to save the petitioner lies in your Honour's gracious hands.

7. For the wrong done to her by the said Range Forest officer, Chennagiri, Forest guard Daginakatte in collusion with Ex V.P. Chairman Hanumanthappa, your Honour may kindly take action.

8. Petitioner respectfully prays that your Honour may be pleased to call for the records concerned from the Range Forest officer, Chennagiri and to call for other records in the matter from the Forest Department and to direct that the grant of the said land under cultivation of the petitioner be confirmed and petitioner protected. In the meanwhile as an ad-interim measure petitioner prays that your Honour may be pleased to grant a stay order directing the local Forest authorities ~~from interfering~~ not to intefere with the possession of the said land of the petitioner.

Petr. 22-1-58

ಪೆ ಅ ಸಿ ಬಾಲಿ ಎಡಗೈ ಹೆಬ್ಬೆರಳು
ನಗುಶಿಸಿದ್ದ ಬಾಲಿ ಹೆಂಡತಿ ಹನುಮಂತಪ್ಪನಾಯ್ಕರವರು

11/C 13

No. M. 64-137/57-58.
Encl: One File.

Conservato's Office,
Shimoga, dated, May, 1958.

To

The Chief Conservator of Forests
in Mysore, Bangalore.

Sir,

Subject: Unauthorised cultivation of land in Yelavadahalli State Forest of -- Channagiri Range.

Two Petitions dated 22-1-1958 addressed to the Hon'ble Minister for Forest, Bangalore (One from Sri Lacha Naika S/o Lokya Naika and another from Smt. Jumali Bai Kom Hankyanaika, both residents of Daganakatte Village, Basavapatna Hobli, -- Chennagiri Taluk, Shimoga District were received direct from Government and the remarks of the Minister, on one of the petitions, are as follows:-

"Conservator of Forests, Shimoga Circle. Since the lands are already granted by the Revenue Department and the petitioners have cultivated the lands, the lands may be released to the extent of the grants.

"The cases may be withdrawn since the parties are not responsible for the grant. Suitable action may be taken in this connection".

I enclose, herewith, a copy of letter No. 1783 dated 1-3-1958 of the District Forest Officer, Bhadravathi Division, which is self-explanatory.

From the records it is made out that the accused (Petitioners) who were prosecuted ~~to be withdrawn from the Court as they~~ under Section 25 (b) of the Mysore Forest Act for the offence of illicit cultivation of a land included in the State Forest volunteered to surrender the lands encroached upon and to get the case compounded departmentally. In view of this statement the case was withdrawn

withdrawn from the Court. Two of the accused referred to above, appear to have applied to the Minister for Forests, thereafter for release in their favour of the State Forest land which they had encroached into.

According to the directive contained in your No. B3(M2)1-455/45 dated 4th January 1957, all cases of encroachments in State Forests should be thoroughly examined and action taken to evict such cultivators from the lands etc.

There is also a directive from Government (vide letter No. AFD 44 DFT 57 dated 7-9-1957 from the Secretary to Government, Forest and Agriculture Department, Bangalore, addressed to you) that in the case of encroachment of lands by ryots the lands may be granted to the cultivators after recovering correct price therefor etc.

Thus, two directives ~~are~~ are mutually contradictory. This apart, the minutes recorded in the margin of the petition by the Hon'ble Minister amounts to a direction to disreserve the extent of the land that has been encroached upon and to surrender it to the Revenue Department for being granted to the very encroachers.

In this connection I may please be permitted to add that the order of release if given effect to is likely to lead to unfavourable repercussions. The possibility of subsequent release may ~~lead~~ lead to increase instance of encroachment and to build up an agitation for release and nullify ~~and~~ our efforts to prevent it. For this reason, I feel that while, in such instances, the request for withdrawal of prosecutions may be favourably considered, it would not be desirable to concede the simultaneous prayer for release from State Forests of the lands encroached upon and confirmation of the grant in our favour.

In the circumstances, I request consideration and early orders. The file of records received from the District Forest Officer is also enclosed for reference and return, when done with.

"Copy"

Yours faithfully,

B. P. Mandal

Conservator of Forests.

C. F. No. 46]

GOVERNMENT OF MYSORE

No. [redacted]/33/437/58

Encls. [redacted] + Two pcls

OFFICE OF Chief Conservator of Forests in Mysore, Bangalore.

Date 25th JUNE 1958.

To

The Secretary to Government of Mysore,
Agriculture and Forest Departments,
BANGALORE.

Sir,

Sub: Unauthorised cultivation of lands in Yelavadahalli State Forest of Chennagiri Range.

-o-

The two representations forwarded to the Conservator of Forests, Shimoga direct from Government in the above connection are retransmitted along with copies of letter No.64-137/57 dated the 15th May 1958 and that of its enclosure from the Conservator of Forests, Shimoga. In the circumstances, reported by the Conservator of Forests, I am of the opinion that it is not desirable to disreserve the extent of the land that has been encroached upon and to surrender it to the Revenue Department for being granted to the encroachers. Orders of Government may kindly be communicated early.

Action may also be taken against those responsible for granting forest lands without proper verification.

Yours faithfully,

(K.KADAMBI)
Chief Conservator of Forests

NS.16

16/13/c

COPY of letter No.1783/57-58 dated 1-3-1958 from the DFO, Bhadravathi Division to the Conservator of Forests, Shimoga.

-0-0-0-0-0-0-0-0-

Sub: Unauthorised cultivation of land in Yelavadahalli State Forest, Chennagiri Range his accused Lacha Naika Jamana Bai and four others.

Ref: Your No.M-64-137/57-58 dt. 29-1-1958 forwarding the petition received from Government.

-0-0-0-0-0-0-0-0-

With reference to the above, I write to state that the accused persons had brought about 6 acres of land under cultivation in Yalavadahalli State Forest unauthorisedly; so an offence in forest offence case No.59/56-57 was booked against them. The accused got their action covered by the Sagavali Chit No.130/51-52 issued by the Amildar, Chennagiri granting the land to the extent of 5 acres for temporary cultivation in S.No.110/1 of Daginakatte village.

S.No.110/1 was 382 acres and 27 guntas in extent of which 330-27 acres was constituted as State Forest vide Govt. Order No.R-13494-7/Ft-53-18-4 dated 23-4-1919 leaving behind 52 acres as Kharab for the use of the villagers. The Range Forest Officer stated that the grant made by the Amildar may be out of the area of 52 acres in S.No.110/1 of Daginakatte excluded from the State Forest but the accused entered the State Forest limit and cultivated the area to the extent of about 6 acres.

The offence booked by the Range Forest Officer was under investigation and in correspondence; the beat guard obstructed the accused against further cultivation of the area as reported by the Range Forest Officer with his No.181/23-6-1957. While the guard on duty was obstructing them as above, the accused assaulted the Guar on 21-6-57. A complaint by the Range Forest Officer was given to the police for further action.

A case in Santhebennur Cr.No.106/57 under section 353 IPC was taken on file against Lachanaika and others; after completing investigation charge sheet is presented and the case is pending trial in CC No.1798/57 on the file of the II Magistrate Shimoga as intimate by the DSP, Shimoga vide his No.309/57 dt. 4-10-1957.

As regards the action taken by the Department, I write to state that as the parties did not turn up for settlement of the case Departmentally, orders to prosecute the offenders in the Court of Law were issued vide B.Form 1/57-58 dated 19-7-1957. The Range Forest Officer, Chennagiri Range presented the case in the Court for trial. The case was taken on file of the II Class Special Magistrate, Shimoga as C.C.No.1883/57. When the case was thus launched in the Court, the accused 1,2,4,5 approached the Range Forest Officer, Chennagiri voluntarily through representation expressing their desire to get the case compounded departmentally paying a fine of Rs.25-00 and surrendering the land to Govt., vide their petition dated 29-11-57. Thereafter the Range Officer proposed for the withdrawal of the case from the file of the Court for finalising the same departmentally. Accordingly the Range Forest Officer was permitted vide this office No.8522 dated 7-12-1957 to withdraw the case as proposed. On filling the withdrawal memo by the Range Forest Officer in the court of the II Class Magistrate, Shimoga, the accused were acquitted on 28-12-57 and case records have been submitted by the Range Forest Officer for issue of compound orders.

When the whole issue had reached the final stage to compound the case and to surrender the encroached lands voluntarily by the accused (2 of them) have petitioned to Government after the case was withdrawn alleging on the departmental action taken vide their petitions received with your abovecited memo.

(over)

Under the circumstances explained as above, I request you kindly to enlighten me as to the further course of action to be taken in this behalf.

The entire file of records along with the two petitions received from you are resubmitted herewith for kind perusal and orders as deemed fit.

-o-o-o-o-o-o-o-o-o-o-o-o-o-

COPY

NS.16

FOR CHIEF CONSERVATOR OF FORESTS

18

19/c

Appendix F. G.—1]

SUBJECT: Unauthorised cultivation of land in Melavadahalli State Forest of Chennagiri Range

Diary No. of letter replied to .....

Immediate

Mysore Government Secretariat.

( )

the 195 .

Date of issue 10/9/58

Signed by .....

List of enclosures .....

Copied by .....

Examined by .....

Section

File No.

Serial No.

No. A1D 221 DST 58, 10-9-58

To The ~~C.C.F.~~ Dy Comm, Shimoga

Sir,

I am directed to enclose herewith a copy of the petition dated 22-1-58, from Shri Lachya Naik, and the copies of the letter No. B3/33/437/58, dated 25-6-58 from the C.C.F. B'lore with its accompaniments, on the above subject: ~~for information~~ and request to furnish Govt with ~~the following~~ information at an early date through the Div Comm on the following points:

(1) S.No. and area of the land for which Amildar issued Saguvali chit

(ii) Whether the land referred to in item No. (i) is a forest land. If so why this land was granted for cultivation without consulting the Forest Deptt. by the Amildar.

(iii) Whether the petitioners have encroached upon the forest land. If so since when.

" If so that are cultivating in Wavadahalli Hale Tank. If so how did the Amildar cannot cultivation beyond of 5 acres? Hence of land granted by Amildar the portion of forest land included

Yes.

Dy. C.

Dy. C.
Ag. 12 Dy. Collr.
13/8/59

Effect. [illegible] keep to Claim
Orders in answer to reference, if called for

17/c 29

No.M4 Dar 125/58-59.
Encl: One.

Office of the Deputy Commissioner,
Shimoga District, Shimoga 20/1/1959.

To

The Secretaryto the Government of Mysore,
Agricultural and Forest Department,
BANGALORE.

MYSORE GOVERNMENT
NO.
21 JAN 1959
A. & F. DEPTT., CO-OPERATION BRANCH

Sir,

Sub: Unauthorised cultivation of land in Yelavadahalli State Forest of Channagiri Taluk.

Adverting to your letter No.AFD 221DST 58 dated 30/12/58 on the subject, I write to state, that a detailed report with the connected Darakhast record has been sent to the Divisional Commissioner, Mysore in this office letter of even No. dated 7/1/1959 for transmission of the same to the Government. A copy of this office letter is enclosed herewith for favour of reference.

MYSORE GOVERNMENT SECRETARIAT
NO. 231
22 JAN 1959
FOREST BRANCH

Yoursfaithfully,
A Mallanna 20/1/59
(A.Mallanna.)
for Deputy Commissioner,
Shimoga District.

Draft approved by the Deputy Commissioner.
DCbasappa/

B 5.P.L 24/1/59

JB

19/c 21

Copy of letter No.M4 Dar 125/58-59 dated 7/1/1959 from the Deputy Commissioner, Shimoga District to the Divisional Commissioner, Mysore Division.

Sub: Unauthorised cultivation of land in Yelavadiahalli State Forest Channagiri Taluk.

Ref: Letter No.AFD 221 DST 58 dated 10/9/58 from the Secretary to the Government, Agricultural Forest Department.

a) Report No. R2 LC 33/58-59 dated 10/12/58 of the Sub Division Officer, Shimoga.

---::oOo::--

S.No.110 of Daginakatte village, Channagiri Taluk is a hulbanni Kharab measuring a total extent of 382-27. On the proposals of the Local officers recommending grant of 5 acres of dry land to each of the applicants under lease rules, 10 acres of land in this S.No. were appropriated for agricultural purposes and granted to them for cultivation under "Grow More Food Scheme" in this office memo No.N.Dis.M4 LD 73/51-52 dated 18/10/51 fixing the upset price at Rs. 2/- per acre. On the basis of this sanction the then Tahsildar issued Saguvali chits for temporary cultivation on 4/12/51, which enabled them to enter upon the land and to under-take its cultivation.

After the grantees began cultivation of the lands granted to them, the Forest authorities of Channagiri Range, obstructed them from entering upon the land and its cultivation on the ground that the blocks are included in Yelavadhalli State Forest. They took action to prosecute the applicants under Section 25(F) of Mysore Forest Act. Though they were authorised under ~~xing~~ Saguvali chits to cultivate the lands, they were treated as culprits subjected to much hardships. In the end of the parties agreed for departmental action and accordingly the case was compounded. As a result of this the offenders were agquitted in the IInd Magistrate Court, Shimoga.

The main reason ~~bad~~ was to this unhappy incident was on account of improper entries made in the khethewar register of that village Basing on the index of lands as well as khatewar; these grants were made by a mistake. This cannot be treated as gross negligence on the part of these who were responsible for the encroachment of lands in the State Forest, as they exercised preliminary verification of Daklar" necessary for the purpose at the time. But the fact that major of this S.No. was included in the " Yelavadahalli state Forest" as per Government order No.R.13494-7/Ff-53-18-4 dated 23/4/1919, was reveled only very recently when this was instituted for a detailed verification with the old "Khetwar". It is reported by Tahsildar that according to the entires made in this Khatewar out of the total extent of 382.27 an extent of 330-27 were included in the above forest, and

....2

forest and the remaining 52 acres are classed as Kharab left for the village.

It is seen from the report of the then Tahsildar of Channagiri Taluk dated 6/8/1951, that an extent of 120-00 acres of land was already disposed of for cultivation out of this S.No. by that time, when these grants were made to these two applicants. Taking into consideration that there was only 52 acres of kharab in this S.No. the remaining land granted for cultivation was actually in the "state Forest" referred to above. Why the unauthorised cultivation of 68 acres of Forest made by several grounds was remained unnoticed by the then forest authorities and why the validity of these two grants was questioned and the grantees were obstructed from cultivation are important points which attract the attention of all. In case the Forest Authorites were really interested about Forest Wealth, they should have protected against the grants made to several ryots of that village much earlier. Their silence as also improper entires made in the index of lands mislead the then Revenue Officers at the lower level. Hence no action need be taken against those, who built the records recommended the grants and accorded sanction, as suggested by the Chief Conservator of Forests, Bangalore in his letter No.B.3/33/437/58 dated 25/6/1958 addressed to the Government in this behalf.

The Sub Division Officer, Shimoga, who was requested to inspect and make a detailed report of this case, has inspected the lands granted to these banazars (Depressed Class) ryots. He has stated, that the lands have been brought under cultivation after considerable labour and expenditure, that it is not desirable to reserve the lands at this distance of time in view of this hard labour and that the area granted does not contain valuable timber. He feels that a alienient view is necessary as the grantees are landless depressed class persons as also on account of their continued possession of lands from the last 6 years.

On the representations made by shri Lachamaik to the Government a detailed report is called for on the subject through you. The matter has been fully explained as above for consideration. 68 acres of Forest land granted for cultivation previously have also to be released for agricultural purposes in this Survey Number in addition to the extent of 10 acres granted to the petitioners seperate proposals will be forwarded in this regard after obtaining the connected Dharakhast records, from the Tahsildar, Channagiri Taluk, very early.

21/c 27

In the circumstances, I request that Government may please be moved to consider this case very simpathitically and approve the grant of an extent of 10 acres of Land for agricultural purposes so that the same may be confirmed to them,

Connected records accompany.

Sd/- L.Lingiah,
Deputy Commissioner,
Shimoga District.

'Copy'

AMallanna
20/5/
for Deputy Commissioner,
Shimoga District.

DCbasappa/

AFD 22 ಇಲಾಖೆ 58

23/c 24

the 6 Feb. 59
Magh 17 Saka Era 1880

The
Agriculture & Forest Department.

The Divisional Commissioner,
Mysore.

Sir,

Sub:-Unauthorised cultivation of land in Yelavadahalli State Forest of Channagiri Taluk.

....

I am directed to invite your attention to letter No.M4 Dar 125/58-59 dated 7/1/1959 from the Deputy Commissioner, Shimoga District, Shimoga and to request you to forward the same with your remarks immediately.

Yours faithfully,

(M.N. Gundu Rao)
Deputy Secretary to Government,
Agriculture & Forest Department.

Cnn.6/2/59.

6/2
MS
6/2/59

GOVERNMENT OF MYSORE.

25/c 26/

Reminder No. 2
No. AFD 221 DST 58

Mysore Government Secretariat,

Bangalore, Dated the 26/3/59

From

The Secretary to the Govt. of Mysore,
Agriculture & Forest Department.

To

~~The Chief Conservator of Forests, Bangalore~~, **The Divisional Commissioner, Mysore Division, Mysore.**

Sub:- **Unauthorised cultivation of land in Yelavadahalli State Forest of - - Channagiri Range.**

I am directed to invite reference to Government Letter No. **AFD 221 DST 58** dated **6-2-59** on the subject noted above and to request that the report called for may be furnished to Government without further delay. **This has reference to letter No.M.4.Dar. 125/58-59 dated 7-1-59 of the Deputy Commissioner, Shimoga, addressed to you**

Yours faithfully,

Issued
26/3

O/C

Deputy Secretary to Government,
Agriculture & Forest Departments.

18/2

DV/14.11.
MGS/MS.300.

J.C. placed on the next page
20/3/59.

26

C. F. No. 45]

GOVERNMENT OF MYSORE

Tele gram / phone

No. A6.P.R.70.C.3362/58-59
Encls. One

OFFICE OF
THE DIVISIONAL COMMISSIONER,
MYSORE DIVISION, MYSORE,

Date 6th April, 1959.

To

The Secretary to Government,
Agricultural and Forest Department,
BANGALORE.

SIR,

Subject:- Unauthorised cultivation of land in Yelavadahalli State Forest of - Channagiri Taluk.

Reference:- Your letter No.AF.D.221DST 58 dated 26.3.59.

I write to state that a reference has already been made to the Secretary to Government, Revenue Department, Bangalore in this office letter of even number dated 23/25.2.1959 and orders of Government are awaited in the matter. However a copy of this office letter dated 23/25.2.59 addressed to Government is enclosed.

Yours faithfully,

(K. M. SOMASHEKAR) 7.4.59
FOR DIVISIONAL COMMISSIONER,
MYSORE DIVISION.

MYSORE GOVERNMENT SECRETARIAT
NO. 3624
15 APR 1959
221 DST
FOREST BRANCH

BSV.

V.G.
EOT
10.4.59

LETTER NO.A6.P.R.70.C.3362/58-59, dated 23/25.2.59 addressed to the Secretary to Government, Revenue Department,- Bangalore, from the Divisional Commissioner, Mysore Division, Mysore.

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Subject:- Release of an extent of 10-0 acres of land out of Yelavadahalli State Forst of S.No.110 of Daginakatte village, Channagiri Taluk.

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With reference to letter No.AFD.221 DST 58 dated 10.9.58 of the Secretary to Government, Agriculture and Forest Department addressed to the Deputy Commissioner, Shimoga District I forward herewith a copy of letter No.D4.Dar 135/58-59 dated 5.1.59 together with the connected records received from the Deputy Commissioner, Shimoga District state as follows:

Ten acres of land out of S.No.110 of Daginakatte village, Channagiri Taluq was granted to the marginally

Sriyuths. 1.Lachhaya Naika
2.Hem Naika

noted 2 persons for cultivation under the Grow More Food Scheme by the Deputy Commissioner on 18.10.51. The Tahsildar of Channagiri Taluk has issued Saguvali Chit for temporary cultivation on 4.12.1951. The Forest authorities of Channagiri Rang obstructed the grantees for entering upon the land and its cultivation on the ground that the granted is included in the Yelavadahalli State Forest. It is reported that Forest authorities took action to prosecute the applicants and finally the case was compounded and the offenders were acquitted in the Second Magistrate Court of Shimoga.

The Sub Division Officer after spot inspection has reported that the lands have been brought under cultivation after considerable labour and expenditure that the area granted does not contain valuable timber and that it is not desirable to reserve the land at this distance of time etc.

The Deputy Commissioner has therefore recommended for the release of this area of 10 acres for agricultural purposes for being confirmed in favour of the above two

P.T.O.

two applicants. In the circumstances, I agree with the Deputy Commissioner and request that sanction of Government may kindly be obtained for the rlease of the land in question for cultivation.

Yours faithfully,

(K. M. SOMASHEKAR) 7.4.59
FOR DIVISIONAL COMMISSIONER,
MYSORE DIVISION.

BSV.2/-
6.4.59.

27/cf 29

M. G. S. App. F VI—G. 2]

SUBJECT Un authorised cultivation of land in Yelavadahally State Forest of Chaarnagiri Range.

Diary No. of letter replied to.....

Mysore Government Secretariat

( )

the 195 .

Date of issue.....195 .

Signed by..... Issued 11/5/59

May this be—

(i) printed?
(ii) treated as a Standing Order?
(iii) published in the Gazette, English Part?
(iv) translated?
(v) placed at the disposal of the Press?
(vi) published in the Gazette, Kannada Part?

Section

Serial No.

File No. AFD 221 DST 58.

Proceedings of the Government of Mysore D. 18th May 1959

Read Letter No. Mh. Dan. 125/58-59 dated 7-1-59 of the DC. ~~Mysore~~ Shimoga, addressed to the Div. Comr., Mysore Dn. Mysore, recommending grant of 5 acres of land to each of the applicants in Yelavadahally State Forest, Chaarnagiri Range.

Order thereon. No.

ORDER.

Government are pleased to confirm the grant of

5 acres of lands in S. No. 110/1 of Dagirakatte village to Sri. Lachya Naik son of Sri. Lokya Naik, Bagjar, and 5 acres of lands in S.No. 110/2 of the same village referred to, to Smt. Jumali Bai, granted to them by the Deputy Commr. Shimoga in his memo No. R. Dis Mis. LD 73/51-52 dt. 18/10-51, for cultivation under "Grow more Food" Scheme.

The CCF is requested to (*) submit a draft notification in respect of the land granted immediately for taking necessary action in the matter. The forest growth if any on the

List of Enclosures.

(*) Surrender the area granted to RD for being granted to the ~~and to~~ petitioners and to

Copied by

Examined by

29/4) 3/

M. G. S. App. F. G. 3]

MYSORE GOVERNMENT

SECRETARIAT.

(*Continuation sheet draft form*).

land if any, should be disposed of to the best advantage of Govt.

By order etc.,

S 25/4
D/S
D&R

Nar
18/4/59

Copy to:-

1) The Div. Commr, Mysore.
2) The D.C. Shimoga
3) RD sick ref to their file no. RD 202 LND 59
4) W. G. (4 copies)

WD 01788—GPB—PZS—100,000—20-2-58

Subject:- Unauthorised cultivation of land in Yelavadahally State Forest of Channagiri Range.

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GOVERNMENT OF MYSORE
Agriculture & Forest Department
G.O.No.AFD 221 RST 58 Bangalore Dated the 18th May 1959

R e a d: Letter No.M4.Dar.125/58-59 dated 7-1-59 of the Deputy Commissioner, Shimoga, addressed to the Divisional Commissioner, Mysore Division, Mysore, recommending grant of 5 acres of land to each of the applicants in Yelavadahally State Forest, Channagiri Range.

O R D E R: Government are pleased to confirm the grant of 5 acres of lands in F.S.No.110/1 of Daginakatte village to Sri Lachya Naik son of Sri Lokya Naik, Banjar, and 5 acres of lands in S.No.110/2 of the same village referred to, to Smt. Jumali Bai, granted to them by the Deputy Commissioner, Shimoga in his memo No. N.Dis.M4.LD 73/51-52 dated 18-10-51, for cultivation under "Grow More Food" Scheme.

The Chief Conservator of Forests is requested to surrender the area to Revenue Department for being granted to the petitioners and to submit draft notification in respect of the land granted immediately for taking necessary action in the matter. The forest growth if any on the land, should be disposed of to the best advantage of Government.

By Order and in the name of the
Governor of Mysore,

P. Venkataraman

(P. Venkataraman)
Deputy Secretary to Government,
Agriculture & Forest Department

To

1. The Divisional Commissioner, Mysore.
2. The Deputy Commissioner, Shimoga.
3. The Revenue Department with reference to their file No.RD 202 LWD 59.
4. The Weekly Gazette (4 copies)

Cnr.29/4/59.

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GOVERNMENT OF MYSORE.

No.A6.P.R.70.C.3362/58-59

OFFICE OF THE DIVISIONAL COMMISSIONER,
Mysore division,
Mysore, Dated 20th May, 1959.

To

The Secretary to Government,
Forest and Agricultural Department,
B a n g a l o r e.

MYSORE GOVERNMENT SECRETARIAT
NO. 5620
25 MAY 1959
221. DST
FOREST BRANCH

Sir,

Subject:- Unauthorised cultivation of land in Yelavadahalli state Forest of - Channagiri Taluk.

Reference:-1. This office letter of even number dated 23.2.59.

In inviting your reference to G.O.No.AFD.221 DST.58 dated 1.5.59 on the subject mentioned above, I write to request you kindly to arrange to return the connected records sent to Government with this office letter dated 25.2.59 for taking further necessary action in the matter.

P.T.O.

action in the matter.

Yours faithfully,

(K. M. SOMASHEKAR)
FOR DIVISIONAL COMMISSIONER,
MYSORE DIVISION.

BSV.